

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

EDWARD EARL THOMAS,

Plaintiff,

v.

Case Number 04-10110-BC
Honorable David M. Lawson

SOCIAL SECURITY and BOB LUCAS,
BAY CITY FBI,

Defendants.

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**ORDER DENYING PLAINTIFF'S MOTION FOR
RECONSIDERATION**

This matter is before the Court on a motion filed by the plaintiff seeking to amend his complaint and reopen the case. The case was commenced on April 23, 2004 and alleges that the plaintiff was denied social security benefits, "back pay," and "medicaid and medicare rights" while in prison. On June 21, 2004, this Court adopted a report issued by Magistrate Judge Charles E. Binder recommending that the case be dismissed for lack of merit. Since that time, the plaintiff has filed a rash of motions seeking reconsideration in some form or another, the latest of which was denied by the Court on February 7, 2006.

Although entitled motion to amend, the present document is no different. The plaintiff asks to change the caption in the case, make the complaint a criminal one, and for appointment of counsel. He requests *de novo* review and an appeal, if necessary. These requests lack merit and have been ruled on several times in the past. *See* E.D. Mich. LR 7.1(g)(3) (stating that the moving party must show: (1) a "palpable defect," (2) that misled the Court and the parties, and (3) that correcting the defect will result in a different disposition of the case); *Fleck v. Titan Tire Corp.*, 177 F. Supp. 2d 605, 624 (E.D. Mich. 2001 (explaining that a "palpable defect" is a defect which is

obvious, clear, unmistakable, manifest, or plain). As a result, the Court will deny the plaintiff's motion to amend.

Accordingly, it is **ORDERED** that the plaintiff's motion [dkt # 14] to amend complaint and reopen case is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: March 1, 2006

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 1, 2006.

s/Tracy A. Jacobs
TRACY A. JACOBS